

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, MAY 13, 2013 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl Kurtz, Chairman; Sean Stollo, Vice Chairman; Martin Cobern, S. Woody Dawson, Edward Gaudio, John Kardaras, Gil Linder, Louis Todisco.
Alternates: James Bulger and Leslie Marinaro
Absent: Lelah Campo and James Bulger (alternate)
Staff: William Voelker, Town Planner

I. CALL TO ORDER

Mr. Stollo called the public hearing to order at 7:31 p.m.

Mr. Stollo read the fire safety announcement.

II. ROLL CALL

Mr. Stollo called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. BUSINESS

Mr. Voelker read the call of public hearing for each application.

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| 1. Special Permit Application | PH 4/8/13 |
| <u>Apex Developers LLC</u> | PH 4/22/13 |
| South Meriden Road | PH 5/13/13 |
| Rear Lot Access | MAD 7/17/13 |
| 2. Subdivision Application | PH 4/8/13 |
| <u>Apex Developers LLC</u> | PH 4/22/13 |
| South Meriden Road | PH 5/13/13 |
| 6-lots | MAD 7/17/13 |

Ryan McEvoy, P.E. Milone and MacBroom, represented the applicant. At the first public hearing there were some items requiring additional review from IWW, State DOT. The application has received IWW approval, and DOT has reviewed the sight lines, and responded. Mr. McEvoy read the DOT approval from Kevin Campbell into the record.

With regard to the DOT approval notice, Mr. McEvoy noted that the applicant submitted a plan indicating that there is a 500 foot sight line from each driveway. The only

difference in the applicant's plan and DOT request is that the applicant originate the sight line 15 feet off the edge of pavement, and there will be compliance with this request. On the plans, Mr. McEvoy pointed out the fence noted in the DOT approval letter. It is a 3 rail fence in a state of disrepair along a majority of the frontage of the property; 2/3rds is located within the State right of way coming from the Norton Farm area to RT 68; and it picks up within the right of way along the frontage of lots 3 through 6. The applicant takes no issues with this requirement from the State DOT.

At the last meeting, Mr. McEvoy said a question was raised to staff, from a member of the public, regarding the requirement for extension of water mains. There are requirements in the subdivision regulations, along with the public health code, on the need for extension of water to a site development such as the subject development. The nearest water line to this property is approximately 330 feet to the west in front of Norton Farm. The regulations require that water mains be extended when you multiply the number of lots times 50 feet, and that equates to less than the distance for water extension. In the subject application the requirement is over that distance.

Mr. McEvoy read the public health code, Section 19-13-51M Section B, Subsection 1, into the record.

For the subject application, Mr. McEvoy said the regulations are more restrictive in terms of when the extension of water is required. Within 300 feet it has to be extended, and the health code says within 200 feet it has to be extended. In either case the development is over 300 feet from the nearest water line.

A point was made by Town Planner Voelker who advised that Mr. McEvoy is correct. He noted that it is not the Town's responsibility to enforce the public health code, and is the responsibility of the health district. Mr. Voelker and/or his staff has contacted Chesprocott Health District and Milone and MacBroom to insure the water line was accurate. They also checked with the Assessor's office that this is a separate lot, is not being subdivided off another parcel, and it is being further subdivided. The nearest water line is about 335 feet away, and regulations state it is 50 x the number of lots for extension of water lines. In this case, if it was 300 feet the applicant would have to extend the water line. Public Health Code says a home has to be hooked up to a public water line if it is within 200 feet of the water line. Subdivision regulations are more far reaching than the health code. Mr. Voelker said his department was adamant on this to insure all parties did research and verified that the water line is as shown on the plans – 335 feet away from the boundary.

Mr. Dawson thanked Mr. Voelker for finding out this information for the PZC. Now that this is on record it will be obvious that the Commission did not overlook anything.

According to Mr. Voelker the original owners of this property, not the sub-dividers, may own adjacent properties where the water line location would require extension and connection. The subject parcel is a separate parcel with the water line 335 feet away.

Mr. Voelker informed the Commission that this 335 foot distance is verified and confirmed by Milone and MacBroom and Chesprocott Health District, and Town Engineer Disbrow.

For the record, Mr. Cobern noted that since he missed the first hearing on these applications, he would abstain from discussion and voting.

From the Planning Department perspective, Mr. Voelker stated that IWW has approved this application, and there are no outstanding issues.

Mr. Strollo noted that he would be abstaining from discussion and voting on this application.

THE PUBLIC HEARING WAS CLOSED.

VI. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Ms. Marinaro

MOVED to adjourn the public hearing at 7:52 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk
Transcribed from tape